

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANTONIO AGUILAR LOPEZ,

Plaintiff,

v.

U.S.A. AMERICA,

Defendant.

NO: CV-12-5005-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT
WITHOUT PREJUDICE

Magistrate Judge Hutton filed a Report and Recommendation on February 23, 2012, ECF No. 10, recommending Mr. Aguilar Lopez's Motion to Voluntarily Dismiss be granted. There being no objections, the Court **ADOPTS** the Report and Recommendation. Plaintiff's Motion, ECF No. 9, is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**. Although granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to waive

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ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING COMPLAINT WITHOUT PREJUDICE -- 1

1 the remaining balance of the filing fee as directed. Therefore, Plaintiff still is
2 obliged to pay the full filing fee for this action pursuant to 28 U.S.C. § 1915(b).

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
4 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff,
5 and close the file.

6 **DATED** this 21st day of March 2012.

7
8 s/ Rosanna Malouf Peterson
9 ROSANNA MALOUF PETERSON
Chief United States District Court Judge